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Approved for use through 10/31/2002. OMB 0651-0032

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 060783/P008US/10102416

First Named Inventor Pete Castagna

COMPLETE IF KNOWN

Application Number 09/909,143

Filing Date July 19, 2001

Group Art Unit 2184

Examiner Name Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR INTERFERENCE MITIGATION USING ADAPTIVE FORWARD
ERROR CORRECTION IN AN RF DATA TRANSMISSION SYSTEM**

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 07/19/2001 as United States Application Number or PCT International

Application No. 09/909,143 and was amended on (MM/DD/YYYY) (if applicable).

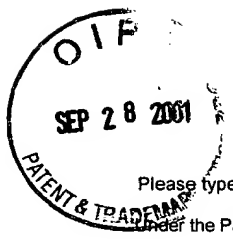
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:



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PTO/SB/01 (03-01)
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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

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Customer Number
or Bar Code Label

OR

☒

Correspondence address below

Name **FULBRIGHT & JAWORSKI L.L.P.**
Jerry L. Mahurin

Address **2200 Ross Avenue**
Suite 2800

City **Dallas**

State **TX**

ZIP **75201**

Country **USA**

Telephone **(214) 855-8000**

Fax **(214) 855-8200**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any]) **Pete**

Family Name
or Surname

Castagna

Inventor's
Signature

Peter J. Castagna

9-19-2001

Date

Peter J. Castagna

Residence: City **Seattle**

State **WA**

Country **USA**

Citizenship **USA**

Mailing
Address:

5111 South Brandon Street

City **Seattle**

State **WA**

ZIP **98118**

Country **USA**

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any]) **Dave**

Family Name
or Surname

Randall

Inventor's
Signature

Dave Randall

Date

9/19/01

Residence: City **Kingston**

State **WA**

Country **USA**

Citizenship **USA**

Mailing
Address:

24545 Taree Drive, NE

City **Kingston**

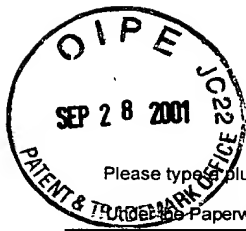
State **WA**

ZIP **98346**

Country **USA**

☐

Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



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+

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PTO/SB/81 (02-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/909,143
Filing Date	July 19, 2001
First Named Inventor	Pete Castagna
Title	SYSTEM AND METHOD FOR INTERFERENCE, etc.
Group Art Unit	2184
Examiner Name	Not Yet Assigned
Attorney Docket No.	060783/P008US/10102416

I hereby appoint:

☐

Practitioners at Customer Number

Customer Number

OR

☒

Practitioner(s) named below:

Customer Number Bar Code

Name	Registration Number	Name	Registration Number
Jody C. Bishop	44,034	Michael A. Papalas	40,381
Michael J. Fogarty, III	42,541	David H. Tannenbaum	24,745
Leslie S. Garmaise	47,587	William B. Tiffany	41,347
Matthew D. Jones	44,810	R. Ross Viguet	42,203
Jerry L. Mahurin	34,661		
Thomas J. Meaney	41,990		

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐

The above-mentioned Customer Number.

OR

☐

Practitioners at Customer Number

Customer Number

OR

Customer Number Bar Code

☐

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Vectrad Networks Corporation, Richard A. Shields, President and COO

Signature

Date

9/18/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below*.

☐

*Total of 1 forms are submitted.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Pete Castagna, et al.

Application No./Patent No.: 09/909,143

Filed/Issue Date: July 19, 2001

Entitled: SYSTEM AND METHOD FOR INTERFERENCE MITIGATION USING ADAPTIVE FORWARD ERROR CORRECTION IN AN RF DATA TRANSMISSION SYSTEM

Vectrad Networks Corp.

(Name of Assignee)

, a

Corporation

Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE]: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/25/01
Date

Jerry L. Mahurin
Typed or printed name

[Signature]
Signature

Patent Attorney
Title

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Pete Castagna and Dave Randall (hereinafter referred to as Assignors), residing at 5111 South Brandon Street, Seattle, Washington 98118 and 24545 Taree Drive, NE, Kingston, Washington 98346, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in SYSTEM AND METHOD FOR INTERFERENCE MITIGATION USING ADAPTIVE FORWARD ERROR CORRECTION IN AN RF DATA TRANSMISSION SYSTEM, set forth in a Patent application for Letters Patent of the United States, already filed on July 19, 2001 as U.S. application No. 09/909,143; and

WHEREAS, Vectrad Networks Corp., a Corporation organized under and pursuant to the laws of Washington having its principal place of business at 21520 30th Drive SE, Building A, Suite 210, Bothell, WA 98021 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the

same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply

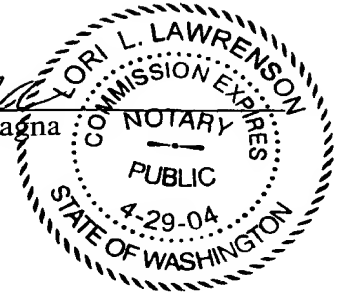
with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

Jody C. Bishop	44,034	Jerry L. Mahurin	34,661	David H. Tannenbaum	24,745
Michael J. Fogarty, III	42,541	Thomas J. Meaney	41,990	William B. Tiffany	41,347
Leslie S. Garmaise	47,587	Michael A. Papalas	40,381	R. Ross Viguet	42,203
Matthew D. Jones	44,810				

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Pete Castagna
Pete Castagna



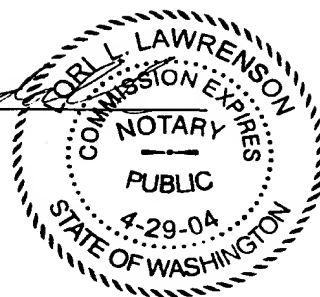
Date: Sept 19, 2001

United States of America)
State of Washington) ss.:
County of King)

On this 19th day of September, 2001, before me
personally came Pete Castagna, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Lori Lawrenson
Notary Public

Dave Randall
Dave Randall



Date: 9/19/01

United States of America)
State of Washington) ss.:
County of King)

On this 19th day of September, 2001, before me
personally came Dave Randall, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Cori Lawrenson
Notary Public